

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

JOYCE RAE FENDALL WILKINSON, as Personal )  
Representative and Administratrix of the ESTATE of )  
PAUL THOMAS WILKINSON, II, ) Case No. C-1-01288  
)  
Plaintiff, ) Judge Beckwith  
) Magistrate Black  
vs. )  
)  
KATHRYN JEAN FAULEY, M.D.; MARY A. )  
HANEBERG MERLING, M.D.; and CLINTON )  
MEMORIAL HOSPITAL, )  
)  
Defendants. )  
)  
)  
)

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**PLAINTIFFS' REQUESTED VOIR DIRE**

COMES NOW plaintiff Joyce Wilkinson and requests that the following subjects be addressed to the venire panel during voir dire, with follow-up questions exploring the particular circumstances, to positive responses:

**A. General Topics.**

1. Do any of you have any knowledge of any aspect of this case?
2. Do you know or know of the parties or their counsel?
3. The plaintiff, Joyce Wilkinson, currently lives in Oregon. At the time of her baby's birth she lived in Wilmington, Ohio. Later she moved her family to Kansas; and two of her trial attorneys are from Kansas. Does anyone think these facts would prevent them from being fair and impartial in listening to the evidence presented in this case?
4. Are you acquainted with or know of the witnesses expected to be called during trial?

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5. Have you or any close friend or member of your family suffered injury or illness from a product or as a result of medical treatment or surgery?

6. Do you or any member of your family or close friends have any background in or knowledge of medicine or the medical sciences (doctors, nurses, laboratory technicians)?

7. Have you or any member of your family or close personal friend ever been party to a lawsuit?

a. If so, were you a plaintiff or defendant in the case?

b. When was the lawsuit filed?

c. What were the main claims of the lawsuit?

d. What was the outcome of the lawsuit?

8. Have you served as a juror in any prior proceedings?

9. Does any member of the panel have any opinions or reservations about the civil justice system that would interfere with or prevent you from being a fair and impartial juror in this case?

10. Does any member of the panel have any opinions or reservations about personal injury, medical malpractice or products liability litigation that would interfere with or prevent you from being a fair and impartial juror in this case?

11. Do any of you have any preconceived notions about the quality of medical care in general?

12. Do you think that physicians should have special protection or special rights different from other professionals?

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13. Does anyone believe that physicians, such as defendant Merling should never be sued? If so, why?

14. Does anyone believe that injured parties bring lawsuits too often? If so, why?

15. Has anyone heard of "tort reform"? If so, what have you heard? Did the information you heard cause you to change your opinion about injured parties filing lawsuits?

16. Have any panel members ever been patients at the Clinton Memorial Hospital?

17. Have any panel members, their family or friends ever lived in Wilmington, Ohio?

18. Have any panel members, their family or friends ever received medical care from Dr. Merling?

**B. Birth injuries:**

1. This case involves a birth injury and allegations that the attending pediatrician failed to adequately resuscitate the baby after his birth. Do you have a religious, moral or other objection to a baby receiving aggressive resuscitation after its birth?

2. Have you or a close friend or family member ever had a child that required aggressive resuscitation after birth?

3. Have you or a close friend or family member ever had a child that sustained injuries as the result of their birth?

4. Have you or any member of your family or close personal friend ever worked with severely incapacitated children?

5. Have you known of anyone who suffered from cerebral palsy?

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6. Does any member of the panel or close friends or family members suffer from any neurological disease?

Respectfully submitted,

s/Anne H. Pankratz

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of October, 2004, I presented the foregoing to the clerk of the court for filing and uploading to the CM/ECF system which will send a notice of electronic filing to the following:

***Attorneys for Defendant Mary A. Haneberg Merling, M.D.:***

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s/Renee Infante

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